

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

January 25, 2002

GSBCA 15700-RELO

In the Matter of DEBRA J. CRITES

Debra J. Crites, Avilla, IN, Claimant.

Larry E. Gallagher, Deputy Director, Travel Operations Columbus, Defense Finance and Accounting Service, Columbus, OH, appearing for Department of Defense.

DeGRAFF, Board Judge.

Debra J. Crites is an employee of the Department of Defense (DoD). In May 2000, Ms. Crites made a permanent change of station from Maryland to Ohio. In connection with her move, she incurred temporary quarters subsistence expenses (TQSE). A disagreement arose between Ms. Crites and DoD regarding the amount that DoD should reimburse her for TQSE. DoD determined that, according to its rules and regulations, it had overpaid Ms. Crites. DoD then offset the TQSE overpayment from her relocation income tax allowance (RITA). Ms. Crites asks us to review her claim for TQSE and the resulting offset from her RITA.

Ms. Crites is a member of an employee union that entered into a collective bargaining agreement with agency management. The collective bargaining agreement provides in Article 36 that, with certain specified exceptions not relevant here, the agreement's grievance procedure is the exclusive procedure available to a bargaining unit employee for the resolution of a grievance. The agreement explains that a grievance is a request for relief in any matter related to the interpretation or application of any rule or regulation with respect to matters affecting conditions of employment.

The disagreement between Ms. Crites and DoD is a grievance that must be resolved by using the collective bargaining agreement's grievance procedure. On numerous occasions, we have recognized that if a claim is subject to resolution under the terms of a grievance procedure mandated by a collective bargaining agreement, we lack the authority to settle the claim using our administrative procedures unless the agreement explicitly and clearly excludes the claim from those procedures. Ervin T. Upchurch, GSBCA 15459-TRAV (May 4, 2001) (citing cases). The collective bargaining agreement's grievance procedure is the exclusive means available to Ms. Crites for resolving her disagreement with DoD. The Board cannot resolve this matter.

The claim is dismissed.

MARTHA H. DeGRAFF
Board Judge